

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on June 28, 2007, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the remarks to follow are respectfully requested.

In the Final Office Action, claims 1-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over EP 0522475 (Pilniak) in view of U.S. Patent No. 5,621,636 (Tanigawa). It is respectfully submitted that claims 1-16 are patentable over Pilniak and Tanigawa for at least the following reasons.

Pilniak is directed to a spiral shaped conductive plate 11 and an end portion 13.1 as shown in FIG 5a. In FIG 5a, a large opening or hole is shown in the conductive plate 11 below the end portion 13.1 in Pilniak.

In the Response to Arguments section on pages 5-6 of the Final Office Action, it is stated that the Applicants' previous remarks were "that the *solid center portion* is substantially spaced apart from the center portion, meaning it is still in the center portion

of the spiral-shape slit" (see, Final Office Action, page 6).

Applicants respectfully disagree. Furthermore, it is respectfully submitted that the above section of the Final Office Action is misquoting and misinterpreting the statements made in the previous Amendment of April 12, 2007.

In contrast, page 5, paragraph 3 of the previous Amendment of April 12, 2007 states that the (emphasis added) "cited end portion 13.1 of the plate is in fact substantially spaced apart from the center portion of the slit". As described above, the previous Amendment clearly distinguishes the end portion 13.1 from any 'center portion' of plate 11 in FIG 5a of Pilniak.

Furthermore, even if, in arguendo it is presumed that the end portion 13.1 in Pilniak is in the 'center portion' of the plate 11 shown in FIG 5a, this end portion 13.1 of Pilniak still does not disclose or suggest (illustrative emphasis added) "a solid portion of the plate located at a center position of the spiral-shaped slit" as required by claim 1 of the present application. The center position of the plate 11 in FIG 5a of Pilniak is not "a solid portion" as required by claim 1 of the present application. Rather, the center position in Pilniak is in the large opening or

is simply a hole in plate 11.

Furthermore, the end portion 13.1 in Pilniak is not located at a "center position of the spiral-shaped slit" as required by claim 1 of the present application. Rather, the Pilniak end portion 13.1 is located substantially away and apart from the center position of the plate 11 shown in FIG 5a of Pilniak. The Pilniak end portion 13.1 is approximately as close to the outer edge of the structure as it is to the center position of plate 11 and is, therefore, not in a "center position of the spiral-shaped slit" as required by claim 1 of the present application.

Tanigawa is cited to allegedly show other features and does not cure the deficiencies in Pilniak.

It is respectfully submitted that the device of claim 1 is not anticipated by Pilniak or made obvious by the teachings of Pilniak in view of Tanigawa. For example, Pilniak alone and in combination with Tanigawa does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "said spiral-shaped slit comprising at least two full 360° loops around a solid portion of the plate located at a center position of the spiral-shaped slit," as required by claim 1, and as

substantially required by claim 15.

Based on the foregoing, it is respectfully submitted that independent claims 1 and 15 are patentable over Pilniak alone and in combination with Tanigawa and notice to this effect is earnestly solicited. Claims 2-14 and 16 respectively depend from one of claims 1 and 15 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

Patent  
Serial No. 10/521,849  
Amendment in Reply to Final Office Action of June 28, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By Dicran Halajian  
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
July 30, 2007

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101